

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-07 INRE-00 SSO-00
NSCE-00 USIE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
DHA-02 /084 W

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O 111255Z JUN 77
FM AMCONSUL CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 6253
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 CAPE TOWN 0970

E.O. 11652: GDS
TAGS: PDEV, SF, WA, US, UN
SUBJECT: NAMIBIA TALKS: ASSESSMENT

REF: CAPE TOWN 0960, AND PREVIOUS

THE FOLLOWING IS THE CONTACT GROUP'S ASSESSMENT OF OUR
JUNE 8-10 TALKS WITH THE SOUTH AFRICAN GOVERNMENT:

QUOTE

1. GENERAL: WHILE THE SOUTH AFRICAN GOVERNMENT'S DETERMINATION
TO GRANT INDEPENDENCE TO NAMIBIA HAS BEEN CLEARLY CONFIRMED,
IT IS ALSO CLEAR THAT THEY ARE STILL BENT UPON ENSURING THAT
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THE FUTURE GOVERNMENT OF NAMIBIA WILL BE A FRIENDLY ONE.
THEY ARE PREPARED TO ABANDON TURNHALLE-TYPE SOLUTIONS FOR A
TRANSITIONAL ADMINISTRATION BECAUSE THEY REALIZE THAT SUCH
ARRANGEMENTS WOULD BE INTERNATIONALLY UNACCEPTABLE AND WOULD
NOT GUARANTEE A PEACEFUL EVOLUTION TOWARDS INDEPENDENCE.
THEIR ALTERNATIVE PROPOSAL CALLS FOR A NON-POLITICAL
ADMINISTRATOR-GENERAL ENDOWED WITH FULL ADMINISTRATIVE POWERS.

THIS COULD BE THE BASIS FOR A GENUINELY NEUTRAL ELECTORAL PROCESS. ON THE OTHER HAND, IT LEAVES THE DOOR OPEN TO AN INTERIM REGIME WHICH MAY FAVOR THOSE GROUPS, SUCH AS TURNHALLE, WHICH ARE SYMPATHETIC TO SOUTH AFRICA.

2. ON BALANCE, DEVELOPMENTS AT THIS SECOND ROUND OF TALKS HAVE BEEN ENCOURAGING IN THAT A NUMBER OF OBJECTIONABLE FEATURES HAVE BEEN REMOVED. IN ADDITION TO THE PROPOSED ADMINISTRATIVE ARRANGEMENTS, A MEASURE OF AGREEMENT HAS BEEN REACHED ON CONTROVERSIAL ISSUES SUCH AS DETAINEES AND POLITICAL PRISONERS, UN INVOLVEMENT, TRANSFER OF POWER/ WITHDRAWAL, AND REPEAL OF DISCRIMINATORY LEGISLATION. OF PARTICULAR NOTE IS RECOGNITION THAT ARRANGEMENTS HAVE TO BE MADE FOR THE UNITED NATIONS TO SATISFY ITSELF THAT THERE IS NO INTIMIDATION BY SOUTH AFRICAN POLICE OR ARMED FORCES.

3. ON THE OTHER HAND, THE STATED INTENTION OF THE SOUTH AFRICAN GOVERNMENT TO RUSH TO ELECTIONS BY THE END OF 1977 SEEMS TO DISREGARD A NUMBER OF ESSENTIAL ELEMENTS WHICH HAVE TO BE PUT INTO PLACE IF THE POLITICAL PROCESS IS TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF RESOLUTION 385.

4. THE FOLLOWING IS AN ANALYSIS OF THE PRESENT SITUATION AS REGARDS EACH OF THE MAIN QUESTIONS UNDER DISCUSSION:

5. THE NATURE OF TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS:
A. FOLLOWING AN EXCHANGE OF VIEWS ON POSSIBILITIES TO REPLACE THE ORIGINALLY INTENDED INTERIM GOVERNMENT BY SOME SORT OF CONFIDENTIAL

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TRANSITIONAL ADMINISTRATIVE AUTHORITY, THE SOUTH AFRICAN GOVERNMENT INFORMED THE FIVE THAT THE STATE PRESIDENT WOULD BE ENABLED BY PARLIAMENT TO NAME A SINGLE ADMINISTRATOR-GENERAL WHO WOULD CONSTITUTE THE INTERIM AUTHORITY TO ADMINISTER THE TERRITORY DURING THE TRANSITIONAL PERIOD.

WITH THIS ANNOUNCEMENT THE SOUTH AFRICAN GOVERNMENT MADE CLEAR THAT THEY HAD ABANDONED THEIR ORIGINAL PLAN FOR AN INTERIM GOVERNMENT (TURNHALLE) AND ALSO THE ALTERNATIVE OF SETTING UP A TRANSITIONAL ADMINISTRATIVE AUTHORITY CONSISTING PREDOMINANTLY OF TURNHALLE REPRESENTATIVES.

INSTEAD, THE ADMINISTRATOR-GENERAL

- WOULD BE INDEPENDENT, NON-POLITICAL AND NEUTRAL;
- WOULD ADMINISTER THE TERRITORY DURING THE TRANSITIONAL PERIOD;
- AND WOULD ACT IN COOPERATION WITH THE UN SPECIAL REPRESENTATIVE AND SATISFY HIM OF THE FAIRNESS OF THE POLITICAL PROCESS.

THIS NEW FORMULA COMES CLOSE TO THE CRITERIA ESTABLISHED BY THE

FIVE.

B. TO ENSURE A FAIR ELECTORAL PROCESS IN ACCORDANCE WITH RESOLUTION 385 THE ADMINISTRATOR-GENERAL, BY WAY OF PRESIDENTIAL PROCLAMATION, WILL HAVE FULL POWER TO CHANGE OR AMEND EXISTING LAWS AS NECESSARY TO ELIMINATE DISCRIMINATION. ALTHOUGH THIS IS AN AGREED UNDERSTANDING, IT WILL BE IMPORTANT TO ENSURE THAT THE ADMINISTRATOR-GENERAL, UNDER THE PRETEXT OF "LAW AND ORDER", DOES NOT PREVENT RESTRICTIVE AND DISCRIMINATORY LEGISLATION FROM BEING REPEALED.

F. IT WAS AGREED THAT THE ADMINISTRATOR-GENERAL WOULD NOT EMPLOY ANY POLITICAL GROUPING IN AN INSTITUTIONAL FASHION, WHETHER ADVISORY OR OTHERWISE.

THIS IS PROGRESS, TO THE EXTENT THAT IT EXCLUDES A SPECIAL ROLE FOR TURNHALLE REPRESENTATIVES.

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C O N F I D E N T I A L SECTION 2 OF 2 CAPE TOWN 0970

D. THE SOUTH AFRICAN GOVERNMENT'S DECISION TO ESTABLISH REGIONAL GOVERNMENTS FOR THE DAMARAS, HEREROS, TSWANAS, AND NAMAS IS INTENDED TO COMPLETE THE SYSTEM OF ETHNIC-BASED

REGIONAL ADMINISTRATION FAVORED BY THE SOUTH AFRICAN GOVERNMENT AND TURNHALLE. TO THE EXTENT THAT THIS INFLUENCES THE ELECTORAL PROCESS (E.G., CONSTITUENCIES) IT COULD HAVE SERIOUS CONSEQUENCES. MOREOVER, THESE LOCAL ADMINISTRATIONS ARE LIKELY TO BE IN THE HANDS OF TURNHALLE PEOPLE. ALREADY THERE IS SOME SPECULATION THAT THE ELECTIONS WILL BE HELD ON AN ETHNIC BASIS.

6. THE NATURE OF UN INVOLVEMENT:

A. THE SCOPE OF UN INVOLVEMENT HAS BEEN MADE MORE PRECISE.

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WE SUCCEEDED IN GETTING THE SOUTH AFRICAN GOVERNMENT TO AGREE TO THE PRINCIPLES WE EXPOUNDED ON ADEQUATE UN PRESENCE THROUGHOUT THE ELECTORAL PROCESS: IMPARTIALITY OF AND NON-INTERFERENCE BY THE NEWLY APPOINTED ADMINISTRATION, AS WELL AS OTHER ITEMS IN OUR MANDATE. THERE WAS AGREEMENT ON EQUITABLE ACCESS TO OFFICIAL CHANNELS OF INFORMATION. BUT THE SOUTH AFRICAN GOVERNMENT MADE CLEAR THAT THEY WOULD BE RELUCTANT TO GO BEYOND PRECEDENTS FOR UN INVOLVEMENT.

B. IN THE DEFINITION OF THE UN ROLE, "SUPERVISION AND CONTROL" HAVE BEEN REPLACED BY "INVOLVEMENT" AND "SATISFACTION". THIS PHRASING WAS MEANT TO ACCOMMODATE SOUTH AFRICAN INTERNAL CONSIDERATIONS; HOWEVER, THERE WAS UNDERSTANDING THAT BOTH SIDES INTERPRET THE SUBSTANCE OF UN PRESENCE IN BROADLY THE SAME SENSE.

C. WHILE THERE SEEMED TO BE ACCEPTANCE OF UN MONITORING THE SOUTH AFRICAN ARMED FORCES DURING THE ELECTORAL PERIOD, THIS WAS NOT MADE EXPLICIT. SINCE NO PLAN FOR SOUTH AFRICAN MILITARY WITHDRAWAL EXISTS, THIS REMAINS A CRUCIAL POINT. WE DID, HOWEVER, OBTAIN "GUARANTEES AGAINST THE POSSIBILITY OF INTIMIDATION FROM WHATEVER QUARTERS."

D. ANOTHER OBJECT OF CONTROVERSY IN THE FUTURE COULD BE THE DELIMITATION OF THE ELECTORAL DISTRICTS BECAUSE, AT PRESENT, THE LINES ARE DRAWN ON AN ETHNIC BASIS.

7. THE RELEASE OF NAMIBIA'S POLITICAL PRISONERS:

WHEREAS IN THE FIRST ROUND OF THE TALKS PRIME MINISTER VORSTER DENIED THAT THERE WERE ANY NAMIBIAN POLITICAL PRISONERS AT ALL, THIS TIME HE IMPLICITLY ADMITTED THAT THERE ARE "SOME" AND THAT DISPUTES REGARDING THEIR IDENTIFICATION COULD BE SETTLED BY THE INTERNATIONAL PANEL OF JURISTS.

HE MADE, HOWEVER, A VERY STRONG PROVISIO THAT RELEASES WOULD TAKE PLACE ONLY IF THOSE DETAINED IN ZAMBIA AND TANZANIA WERE RELEASED AS WELL.

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8. REPEAL OF DISCRIMINATORY AND RESTRICTIVE LAWS AND REGULATIONS:

WHILE THE ADMINISTRATOR-GENERAL WILL BE IN A POSITION TO REMOVE DISCRIMINATORY AND RESTRICTIVE LEGISLATION, THERE REMAINS THE QUESTION AS TO HOW "DISCRIMINATION" AND "RESTRICTIVE" WILL BE DEFINED, AND THE EXTENT TO WHICH SECURITY CONSIDERATIONS WILL BE INTRODUCED.

9. TRANSFER OF POWER/WITHDRAWAL:

WE REACHED AGREEMENT IN PRINCIPLE THAT THERE SHOULD BE A PHASED PROCESS DURING THE TRANSITIONAL PERIOD, BUT WE ACHIEVED LITTLE MORE THAN THIS. AS REGARDS WITHDRAWAL OF THE SOUTH AFRICAN MILITARY FORCES, THE SOUTH AFRICAN GOVERNMENT MADE IT CLEAR THAT THEY INTENDED TO RETAIN FORCES IN THE TERRITORY AS LONG AS THEY SAW AN EXTERNAL THREAT.

10. WALVIS BAY:

WE DREW THE ATTENTION OF THE SOUTH AFRICAN GOVERNMENT TO THE CONTROVERSIAL CHARACTER OF THIS ISSUE. THE SOUTH AFRICAN GOVERNMENT STATED THEIR KNOWN POSITION.

ANY FUTURE NAMIBIAN GOVERNMENT IS LIKELY TO CLAIM WALVIS BAY AS AN INTEGRAL PART OF THE TERRITORY.

1. COMMENT:

IT WILL BE EVIDENT THAT MANY OF THE ISSUES REFERRED TO ABOVE ARE INTERDEPENDENT. OUR SUCCESS IN OBTAINING THE ACCEPTANCE OF THE OTHER PARTIES CONCERNED WILL DEPEND ON THE EXTENT TO WHICH WE CAN FINALLY PRESENT THEM WITH A "PACKAGE" AS A WHOLE AND CONVINCE THEM THAT IT IS REASONABLE.
UNQUOTE BOWDLER

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